

## REGULAR MEETING

July 10, 2006

The Regular Meeting of the Annapolis City Council was held on July 10, 2006 in the Council Chamber. Mayor Moyer called the meeting to order at 7:36 p.m.

Present on Roll Call: Mayor Moyer, Alderwoman Hoyle, Aldermen Israel, Christman, Taylor, Cordle, Stankivic, Shropshire, Cohen

Staff Present: City Attorney Spencer

- Alderwoman Hoyle moved to approve the Journal of Proceedings for June 12, 2006 Regular and, June 19, 2006 Special. Seconded. CARRIED on voice vote.

## PETITIONS, REPORTS AND COMMUNICATIONS

Carl Larkin, 154 Prince George Street, Annapolis, Maryland 21401 spoke in favor of 0-31-06 with an amendment

Trica Herban, 55 East Street, Annapolis, Maryland 21401 spoke on R-31-06

C. Christopher Ledoux, 215 Severn Avenue, Annapolis, Maryland 21403 spoke on R-21-06

## LEGISLATIVE ACTION

### ORDINANCES

**O-10-06 For the purpose of establishing an Education Commission to make recommendations to the Anne Arundel County and State Boards of Education concerning the Annapolis High School feeder system, serve as the primary liaison between City and the County Board of Education, and work with other governmental, private, and non-governmental organizations to obtain educational opportunities, resources and facilities for the citizens of Annapolis; and matters generally relating to said Education Commission.**

- Alderman Christman moved to adopt O-10-06 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-10-06.

- Alderman Taylor moved to substitute O-10-06 revised. Seconded. CARRIED on voice vote.

The main motion as revised CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-10-06 revised on third reading. Seconded. CARRIED on voice vote.

**O-16-06 For the purpose of providing that revisions to the Capital Improvement Program and Budget must follow the same procedure as revisions to the Annual Operating Budget; approval of budgetary revisions must be given by resolution; one Council member may request a public hearing unless the Mayor declares an emergency in which case a majority is required for a public hearing; a revision in the Capital Budget may include a reallocation of funding or a redefining of the scope of a project; the two-thirds vote requirement for an allocation from the surplus is changed to a majority vote; and matters generally relating to said budget revisions.**

- Alderman Cohen moved to adopt O-16-06 on second reading. Seconded.

The Rules and City Government and Finance Committees reported favorably with amendments on O-16-06.

- Alderman Cohen moved to amend O-16-06 as follows:

Amendment #1

On page 2, in line 13, strike “by resolution”

On page 2, in lines 14 and 15, strike the sentence beginning with “Unless” and substitute “Unless a hearing is requested by a majority of the City Council, final action shall be taken at the same meeting at which introduced.”

On page 2, strike lines 17 through 22

On page 2, in lines 24 through 26, strike the proposed amendments contained in the first reader. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-16-06 amended on third reading. Seconded. CARRIED on voice vote.

**O-29-06 For the purpose of determining when a traffic impact analysis is required; the procedures to be followed in conducting the required traffic impact analysis; and all matters relating to said traffic impact analyses.**

- Alderman Cohen moved to adopt O-29 -06 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

**O-30-06 For the purpose of providing that when the owner of a residential property has terminated water service for at least one calendar quarter, the charge for refuse collection shall also be terminated until water service is restored; providing that the owner of residential property who has paid for refuse collection after terminating water service for one or more quarters since December 31, 2004, may apply for and receive a refund for those quarters in which water service was terminated; and matters generally relating to said termination of water service.**

- Alderman Israel moved to adopt O-30-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

**O-31-06 For the purpose, in Special Parking Districts 1 and 2, of increasing for one year the time frame in which parking by non-residents is limited to two hours; and all matters relating to said requirements for Special Parking Districts 1 and 2.**

- Alderman Stankivic moved to adopt O-31-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee

RESOLUTIONS

**R-21-06      For the purpose of delaying the approval of certain building and grading permits until such time as the City adopts an adequate public facilities ordinance (APFO) to which such delayed development will be subject.**

- Alderman Cohen moved to adopt R-21-06 on second reading. Seconded.

Rules and City Government Committee reported favorably with amendments and Environmental Matters reported favorable on R-21-06.

- Alderman Cohen moved to amend R-21-06 as follows:

**Amendment #1**

On page 2, line 10, insert the following

**“NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL,** “that for purposes of this resolution, a “development application” is an initial application as defined by the Annapolis City Code, section 21.10.010(B), which is filed and accepted consistent with the procedures outlined in Title 21. Seconded. CARRIED on voice vote.

**Amendment #2**

On page 2, in line 10, insert the following:

**“AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the provisions of this Resolution shall not apply to multi-phase planned development projects that have previously received one or more special exception approvals, provided there are no substantial deviations from the original approvals.” Seconded. CARRIED on voice vote.

**Amendment #3**

On page 2, in line 10, insert the following:

**“AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that projects that serve a governmental purpose or use are not subject to the provisions of this resolution.“. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderman Christman, Taylor, Cordle, Shropshire, Cohen  
NAYS: Alderwomen Hoyle, Aldermen Israel, Stankivic  
CARRIED: 6/3

**Amendment #4**

On page 2, in line 10, insert the following:

**“AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** to establish a sunset provisions so that this resolution shall cease to be in effect one year after the date of adoption unless the City Council takes action to renew the provisions of this resolution or until an adequate public facilities ordinance (APFO) is adopted which ever occurs first.”. Seconded. CARRIED on voice vote.

**Amendment # 5**

On page 2, line 10, insert the following:

**“NOW THEREFORE BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that redevelopment of existing commercial property or properties for the purpose of creating or constructing a grocery store use shall not be subject to this resolution.”  
Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderman Christman, Taylor, Cordle, Stankivic, Cohen  
NAYS: Alderwomen Hoyle, Aldermen Israel, Shropshire  
CARRIED: 6/3

- Alderman Stankivic moved to amend R-21-06 as follows:

**Amendment #1**

On page 2, in line 10, insert the following:

**“NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City shall not issue any building permits for the development/construction of any structure on any vacant lot as of date of adoption”  
Seconded. DEFEATED on voice vote.

**Amendment #2**

On page 2, in line 10, insert the following:

**“NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that no building permits shall be issued where an existing single family dwelling on more than one lot of record has been demolished for the purpose of building separate dwellings on the individual lots of record.”.  
Seconded. CARRIED on voice vote.

- Alderman Hoyle moved to amend R-21-06 as follows:

On page 1, in lines 35 and 36, strike “after (date of adoption)” and in line 35, after “shall not” insert “after the date that a comprehensive adequate facilities ordinance is introduced on first reader to the City Council”  
Seconded. DEFEATED on voice vote.

- Alderman Taylor moved to amend R-21-06 as follows:

**Amendment #1**

On page 1, strike line 34 through page 2, line 2, and substitute the following:

**“NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL,** that if a project would result in a net increase of four or more new dwelling units and/or a net increase of more than 10,000 square feet of new non-residential floor space, and if no development application has been filed with the City for the project on or before (date of adoption), no building permits shall be issued for the project.”  
Seconded. CARRIED on voice vote.

**Amendment #2**

On page 2, strike lines 4 through 8:

~~**“NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL,** that at such time that the City adopts an adequate public facilities ordinance, all development applications, including those that previously could not be processed due to the terms of this~~

~~resolution, shall be subject to the standards of such adequate public facilities ordinance.”~~  
Seconded. DEFEATED on voice vote.

- Alderman Cohen moved to amend R-21-06 as follows:

**Amendment#1**

In line 5 and 6 strike “all Development Applications” and replace with “issuance of all Building Permits” also in line 6 strike the word “processed” and substitute the word “issued”  
Seconded. CARRIED on voice vote.

**Amendment#2**

[ This amendment should be added to the very end of the document]

If any section, subsection, sentence clause or provision, portion or other portion of this Resolution is declared invalid or unenforceable, in whole or in part for any reason, by any court or other body of competent jurisdiction such declaration of invalidity or unenforceability of such section, subsection, sentence, clause, provision or other portion shall not affect the validity of an of the remaining portions of this resolution, which other portions shall continue in full force and effect. Seconded. CARRIED on voice vote.

The main motion amended a ROLL CALL vote was taken:

YEAS: Aldermen Israel, Christman, Cordle, Stankivic, Shropshire, Cohen  
NAYS: Mayor Moyer, Alderwomen Hoyle, Taylor  
CARRIED: 6/3

**R-24-06 For the purpose of expressing the City of Annapolis' support for a study to assess the options available for eliminating the stacking issues at the intersection of Aris T. Allen Boulevard, Forest Drive and Chinquapin Round Road; for the options to include an overpass and the elimination of the traffic signal; and that Anne Arundel County include funding for such a study in its next Consolidated Transportation Plan Priority Letter to the Maryland State Highway Administration.**

- Alderman Stankivic moved to adopt R-24-06 on second reading. Seconded.
- Alderman Cordle moved to amend R-24-06 as follows:

After the word include in line 17 on page 1, and in line 8 on page 2 add“ but not limited to”  
Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

**R-27-06 For the purpose of requesting that the County implement reversible traffic lanes on Forest Drive between Spa Road and Aris T. Allen Boulevard and for the county to investigate the use of other traffic management techniques to reduce stacking issues associated with westbound and eastbound peak traffic.**

- Alderman Stankivic moved to adopt R-27-06 on second reading. Seconded.
- Alderman Cohen moved to amend R-27-06 as follows:

**Amendment #1**

In line 14, change implement to “consider implementing” and In line 31, change implement to “consider implementing”. Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

**R-28-06 For the purpose of endorsing the re-designation of the Clay Street Neighborhood and the Bates Neighborhood as Community Legacy Areas; and approving the application and receipt of financing for Community Legacy Plans and Community Legacy Projects in Annapolis to be financed by the State of Maryland.**

- Alderwoman Hoyle moved to adopt R-28-06 on first reading. Seconded. CARRIED on voice vote.

**R-29-06 For the purpose of expressing the City of Annapolis' approval of the Central Scholarship Bureau's (CSB) application to the Maryland Department of Housing and Community Development for a project and an allocation of tax credits for business entities that contribute to a project that will provide no-interest loans to lower income students in the Annapolis area.**

- Alderwoman Hoyle moved to adopt R-29-06 on first reading. Seconded. CARRIED on voice vote.

**R-30-06 For the purpose of increasing fees paid by taxicab operators and owners; and matters generally relating to said fees.**

- Alderman Stankivic moved to adopt R-30-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee and Economic Matters Committee

**R-31-06 For the purpose of designating July 19<sup>th</sup> as the 15th Annual Motorcycle and Scooter Ride to Work Day and encouraging all Annapolitans to ride motorcycles or scooters to work on this day.**

- Alderman Cohen moved to adopt R-31-06 on first reading. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved to have the rules suspended to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.
- Alderman Cohen moved to adopt R-31-06 on second reading. Seconded. CARRIED on voice vote.

## BUSINESS AND MISCELLANEOUS

### 1. Appointments

- Alderman Cohen moved to approve the Mayor's appointments & reappointments of the following individuals:

7/10/06 Housing Authority Commission	Cynthia Abney Carter
7/10/06 Historic Preservation Commission	Shelly Rentsch
7/10/06 Art in Public Places	Valerie Mistita Pringle
7/10/06 Environmental Commission	Karl E. Hoke
7/10/06 Recreation Advisory Board	Christina Aist
7/10/06 Recreation Advisory Board	Patricia Dawn Moyer
7/10/06 Annapolis Conservancy Board	Thomas R. Lippert
7/10/06 Commission on Aging	Judith V. Branham
7/10/06 Commission on Aging	Daniel Monch
7/10/06 Art in Public Places	Cindy Busch

7/10/06 Art in Public Places ..... Mat Herban  
7/10/06 Art in Public Places ..... Nina Fisher  
Seconded. CARRIED on voice vote.

2. Ratification of the Memorandum of Understanding between the City of Annapolis and United Food & Commercial Workers, Local 400
  - Alderman Cohen moved the ratification of the Memorandum of Understanding between the City of Annapolis and United Food & Commercial Workers, Local 400. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:55 p.m.

**Regina C. Watkins-Eldridge, CMC**  
**City Clerk**